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# Executive Orders

## EXECUTIVE ORDER MJF 97-45

### Bond Allocation—Parish of Ascension

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of Ascension, State of Louisiana, has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of a solid waste sewage disposal facility at the Geismar site plant complex of Allied Signal, Inc., located at 5525 Highway 3115, Carville, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$2,000,000	Parish of Ascension State of Louisiana	Allied Signal, Inc.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the

requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#014

## EXECUTIVE ORDER 97-46

### Bond Allocation—Industrial Development Board of the Parish of Caddo, Inc.

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Industrial Development Board of the Parish of Caddo, Inc. has requested an allocation from the 1997 Ceiling to be used in connection with financing the acquisition, construction, and installation of solid waste disposal and sewage treatment facilities at the Atlas refinery of Pennzoil Products Company located at 3333 Midway, Shreveport, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$8,500,000	Industrial Development Board of the Parish of Caddo, Inc.	Atlas

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#015

#### EXECUTIVE ORDER MJF 97-47

Bond Allocation—Calcasieu Parish Public Trust Authority

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Calcasieu Parish Public Trust Authority has requested an allocation from the 1997 Ceiling to be used in connection with the expansion, construction, installation, and equipping of a certain solid waste and waste water treatment system located at the ethylene plant of WPT Corporation on 1820 Paktank Road, Parish of Calcasieu, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$10,889,475	Calcasieu Parish Public Trust Authority	WPT Corporation

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M. J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#016

#### EXECUTIVE ORDER 97-48

Bond Allocation—Parish of St. James

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume

**EXECUTIVE ORDER MJF 97-49**

**Bond Allocation—Industrial Development  
Board of the Parish of Calcasieu, Inc.**

limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of St. James, State of Louisiana, has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of solid waste disposal facilities at the direct reduced iron production facility of American Iron Reduction, L.L.C., located on the Mississippi River, Parish of St. James, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$8,000,000	Parish of St. James State of Louisiana	American Iron Reduction, L.L.C.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M.J. "Mike" Foster  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#017

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Industrial Development Board of the Parish of Calcasieu, Inc. has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of wastewater treatment facilities at the refinery facilities of CITGO Petroleum Corporation, located at 4401 Highway 108, Lake Charles, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$2,000,000	Industrial Development Board of the Parish of Calcasieu, Inc.	CITGO Petroleum Corporation

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M. J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#018

### EXECUTIVE ORDER MJF 97-50

#### Bond Allocation—Parish of Ascension

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act Number 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of Ascension, State of Louisiana has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of a solid waste and sewage disposal facilities at the Geismar site plant complex of BASF Corporation, located at 8404 Highway 75, Geismar, LA in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$7,000,000	Parish of Ascension State of Louisiana	BASF Corporation

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond

Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M.J. "Mike" Foster  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#019

### EXECUTIVE ORDER MJF 97-51

#### Bond Allocation—Parish of DeSoto

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act Number 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of DeSoto, State of Louisiana has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of sewage and solid waste disposal facilities at the Mansfield pulp and paper mill located approximately 17 miles east of Mansfield, Parish of DeSoto, Louisiana, approximately 4 miles west of Louisiana Highway 1, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority



vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$2,000,000	Parish of DeSoto State of Louisiana	International Paper Company

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of November, 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#020

#### EXECUTIVE ORDER MJF 97-52

##### State Employees Group Benefit Program Study Commission

WHEREAS: Executive Order MJF 97-44, signed on October 24, 1997, created and established the State Employees Group Benefit Program Study Commission (hereafter "commission"), and ordered the commission to submit a comprehensive report to the governor by February 1, 1998;

WHEREAS: it is necessary to extend the time period in which the commission shall submit its report to the Governor;  
NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order MJF 97-44 is amended to provide as follows:

The commission shall submit a comprehensive report to the governor by March 1, 1998, which addresses the issues set forth in Section 2.

SECTION 2: All other sections and subsections of Executive Order MJF 97-44 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 21st day of November, 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#005

#### EXECUTIVE ORDER MJF 97-53

##### Governor's Aviation Advisory Commission

WHEREAS: Senate Concurrent Resolution Number 78 of the 1997 Regular Legislative Session (hereafter "the resolution") created the Governor's Aviation Advisory Commission (hereafter "commission") within the Office of the Governor "to study and to make recommendations to the Governor relative to the interrelationships of the general airports, the administration of the airports, and to aviation development programs"; and

WHEREAS: the resolution mandates that the initial meeting of the commission shall be called by the Governor;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: To facilitate the provisions of Senate Concurrent Resolution Number 78 of the 1997 Regular Legislative Session, the president of the Senate or his designee shall serve temporarily as chair of the Governor's Aviation Advisory Commission until the membership of the commission elects a chair.

SECTION 2: The temporary chair shall call the initial meeting of the commission and shall schedule the meeting to be held prior to December 15, 1997.

SECTION 3: The Department of Transportation and Development shall provide the support staff for the commission and the facilities for its initial meeting.

SECTION 4: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the commission in implementing the provisions of this Order.

SECTION 5: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 26th day of November, 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#006

#### EXECUTIVE ORDER MJF 97-54

Latin American Business  
Development Commission

WHEREAS: the Congress of the United States ratified the North American Free Trade Agreement (hereafter "NAFTA"), thereby signifying the desire of the United States to open the American business community to Latin American markets and to aggressively pursue the elimination of trade barriers in those markets to American goods and services;

WHEREAS: in recent years, Latin America has become the fourth largest and fastest growing market for American goods and services;

WHEREAS: the ratification of NAFTA, combined with an increase in trade agreements between Latin American governments and the United States, will open Latin American markets that formerly were unavailable to businesses operating in the state of Louisiana;

WHEREAS: the Louisiana International Trade Commission, created by Executive Order MJF 97-12, issued on February 21, 1997, was established to stimulate growth in, and attract international trade and investment to, Louisiana businesses;

WHEREAS: by Act Number 588 of the 1997 Regular Session of the Louisiana Legislature, the Louisiana International Trade Commission was replaced and legislatively superseded by the creation of the Louisiana International Trade Development Board, R.S. 51:1351-8 (hereafter "the board"); and

WHEREAS: it would be beneficial to the future economic development of the State of Louisiana to create a commission

which will focus specifically on Louisiana's trade with and investments in Latin America that will be charged with the duty of assisting Louisiana businesses in gaining a foothold and more aggressively competing in emerging Latin American markets;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Latin American Business Development Commission (hereafter "commission") is created and established within the executive branch, Department of Economic Development.

SECTION 2: The duties and functions of the commission shall include, but are not limited to, the following:

A. the identification and development of business and trade opportunities in Latin America for Louisiana businesses and/or services;

B. the identification of trade agreements between the United States and Latin America that may be beneficial to Louisiana businesses and/or services;

C. the methods that will enable products grown, manufactured or produced in Louisiana, to compete more aggressively in existing and/or emerging Latin American markets; and

D. the means and techniques to attract Latin American trade to and/or investments in Louisiana markets, and Louisiana trade to and/or investments in Latin American markets.

SECTION 3: The commission shall submit on July 1 a comprehensive annual report to the board and the secretary of Department of Economic Development that addresses the issues set forth in Section 2.

SECTION 4: The advice and recommendations of the commission shall be consistent with the goals and objectives of both the board and the Louisiana Economic Development Council.

SECTION 5: The commission shall be comprised of 11 members who shall be appointed by and serve at the pleasure of the Governor. The membership of the commission shall be selected as follows:

A. the Governor, or the Governor's designee;

B. the secretary of the Department of Economic Development, or the secretary's designee;

C. the commissioner of Financial Institutions, or the commissioner's designee;

D. one member of the Louisiana International Trade Development Board;

E. one member of the Louisiana Economic Development Council; and

F. eight citizens of the state of Louisiana with at least five years of experience in one or more of the following fields: international trade, finance, economics, oil and gas services, maritime activities, agriculture, world health, and/or environmental protection.

SECTION 6: The Governor shall select the chair of the commission. The membership of the commission shall elect all other officers.

**EXECUTIVE ORDER MJF 97-55**

**DWI/Vehicular Homicide Task Force**

SECTION 7: The commission shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 8: Support staff for the commission and facilities for its meetings shall be provided by the Department of Economic Development.

SECTION 9: The members of the commission shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, members who are not an employee of the state of Louisiana or one of its political subdivisions, or an elected official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, with the prior written approval of the commissioner of administration and the Office of the Governor.

SECTION 10: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the commission in implementing the provisions of this Order.

SECTION 11: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 3rd day of December 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#007

WHEREAS: Executive Order MJF 96-9, signed on April 15, 1996, establishes the Governor's DWI/Vehicular Homicide Task Force (hereafter "task force"); and

WHEREAS: it is necessary to expand the membership of that task force to include the state attorney general;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 2 of Executive Order MJF 96-9, is amended to add Subsection O, which shall provide as follows:

O. The attorney general of the State of Louisiana, or the attorney general's designee.

SECTION 2: All other sections and subsections of Executive Order MJF 96-9 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 3rd day of December, 1997.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9712#008

# Emergency Rules

## DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry  
Forestry Commission  
and  
Department of Revenue  
Tax Commission**

### 1998 Timber Stumpage Values (LAC 7:XXXIX.101)

*Editor's Note:* All Agriculture and Forestry rules, found at LAC, Title 7, will be renumbered during the next few months, so that each Part (I through XLIII) will begin with a Chapter 1 and continue with sequential chapters (through Chapter 99), as needed. A revised *Louisiana Administrative Code*, Title 7, is scheduled for publication during Fall, 1997. As shown below, the *Louisiana Register* is promulgating all Title 7 emergency, proposed, and final rules under the new numbering system.

In accordance with the emergency provisions of the Administrative Procedure Act, RS. 49:953(B), the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission find that this emergency rule setting forth the determination by the two commissions of the current average stumpage market value of trees, timber and pulpwood for the purpose of predicating severance tax for the 1998 tax year is required so that timber severance tax computation and collection can be accomplished beginning in January, 1998. By law, these values are set annually in a meeting of the Forestry Commission and the Tax Commission on the second Monday in December. Failure to adopt the values on or before January 1, 1998 and the resultant noncollection of severance tax will cause imminent peril to public health, safety, and welfare in that the monies generated from the severance tax go to state and parish governmental entities for such uses as fire protection, police and road maintenance; and are necessary for maintaining essential governmental services.

The effective date of this emergency rule is January 1, 1998 and it shall be in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### PART XXXIX. Forestry

#### Chapter 1. Timber Stumpage

#### §101. Stumpage Values

The Louisiana Forestry Commission, and the Louisiana Tax Commission, as required by R.S. 47:633, determined the following timber stumpage values based on current average

stumpage market values to be used for severance tax computations for 1998.

Trees and Timber	Price/scale	Price/ton
1. Pine Sawtimber	\$392.40/MBF	\$49.05/ton
2. Hardwood Sawtimber	\$207.96/MBF	\$21.89/ton
3. Pine Chip and Saw	\$ 89.53/cord	\$33.16/ton
<b>Pulpwood</b>		
5. Pine Pulpwood	\$ 25.46/cord	\$ 9.43/ton
6. Hardwood Pulpwood	\$ 15.79/cord	\$ 5.54/ton

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Forestry, and the Louisiana Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry and the Louisiana Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 18:6 (January 1992), LR 19:611 (May 1993), LR 20:408 (April 1994), LR 21:930 (September 1995), LR 21:1069 (October 1995), amended by the Louisiana Forestry Commission and Louisiana Tax Commission, LR 22:581 (July 1996), LR 23:943 (August 1997), amended by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 24:

Billy Weaver, Chairman  
Forestry Commission

Malcolm Price, Chairman  
Tax Commission

9712#064

## DECLARATION OF EMERGENCY

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

### Eligibility of Aliens

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the

Social Security Act. This emergency rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B et seq., and shall be in effect for the maximum period of 120 days allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Medicaid must be provided to eligible citizens or nationals, but certain noncitizens may be eligible to receive only treatment for an emergency medical condition. Effective January 1, 1997, the department promulgated an emergency rule which adopted the mandatory provisions of P.L. 104-193. This rule addressed only the citizenship requirement: every applicant for Medicaid under any classification addressed in this rule must meet all requirements for eligibility (*Louisiana Register*, Volume 23, Numbers 1, 4, and 9). Previous regulations for Medicaid eligibility of lawful permanent residents and aliens permanently residing in the United States under color of law (PRUCOL) no longer apply and were replaced by the January 1997 rule.

Effective August 5, 1997, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was amended by §§5301-5306 and §§5562-5563 of The Balanced Budget Act of 1997 as follows:

(a) the eligibility period of refugees and asylees (includes those whose deportation has been withheld under §243(h) of the INA and Cuban or Haitian entrants) increased from five to seven years; and

(b) the definition of qualified alien was expanded to include aliens granted status as Cuban and Haitian entrants.

All noncitizens are classified as qualified aliens or nonqualified aliens. Nonqualified aliens include both illegal and ineligible persons.

#### Definitions

*Illegal Aliens*—aliens who were never legally admitted to the United States for any period of time, or were admitted for a limited period of time and did not leave the United States when their period of time expired. Illegal aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship.

*Ineligible Aliens*—aliens lawfully admitted to the United States but only for a temporary or specified period of time as legal nonimmigrants. The following categories of individuals are ineligible aliens:

1. foreign government representatives on official business and their families and servants;
2. visitors for business or pleasure, including exchange visitors;
3. aliens in travel status while traveling directly through the U.S.;
4. crewmen on shore leave;
5. treaty traders and investors and their families;
6. foreign students;
7. international organization representation and personnel and their families and servants;
8. temporary workers, including agricultural contract workers; and

9. members of foreign press, radio, film, or other information media and their families.

Ineligible aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship.

*Qualified Aliens*—aliens who are:

1. lawful permanent residents;
  2. refugees;
  3. asylees;
  4. aliens who have had deportation withheld under §243(h) of the Immigration and Nationality Act (INA);
  5. aliens granted parole for at least one year by the INS;
- or
6. aliens granted conditional entry under immigration law in effect before April 1, 1980;
  7. aliens granted status as a Cuban or Haitian entrant.

Qualified aliens who are otherwise eligible for Medicaid are eligible for regular Medicaid coverage.

*Emergency Medical Services*—services necessary for treatment of an emergency medical condition as follows. The alien has, after sudden onset, a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. Emergency medical services do not include any organ transplant procedure or routine prenatal or post-partum care.

*Mandatory Qualified Aliens*—aliens who are:

1. qualified aliens who were in the United States prior to August 22, 1996 and are members of these groups:
  - a. lawful permanent residents to whom 40 qualifying quarters of Social Security can be credited;
  - b. refugees until seven years after the date of the alien's entry into the United States;
  - c. asylees until seven years after the grant of asylum;
  - d. aliens who have had deportation withheld under §243(h) of the INA until seven years after the grant of withholding;
  - e. honorably discharged veterans who fulfill the minimum active-duty service requirements; aliens on active duty in the United States armed forces; the spouse or unmarried dependent child(ren) of such individuals; and the unremarried surviving spouse of a deceased, honorably discharged veteran;
  - f. an alien granted status as a Cuban or Haitian entrant until seven years after status granted.
2. qualified aliens entering the United States on or after August 22, 1996, who are members of the groups below:
  - a. refugees for seven years from date of entry;
  - b. asylees for seven years from date of entry;
  - c. aliens whose deportation has been withheld under §423(h) of the INA for seven years from grant of withholding;
  - d. honorably discharged veterans who fulfill the minimum active-duty service requirements; aliens on active duty in the United States armed forces; the spouse or unmarried dependent child(ren) of such individuals; and the unremarried surviving spouse of a deceased, honorably discharged veteran;

e. an alien with Cuban or Haitian entrance status until seven years from grant of status.

3. Native Americans born in Canada who have at least 50 percent Native American blood who enter and reside in the United States.

*Optional Qualified Aliens*—are persons who meet the definition of qualified aliens but who are not mandatory qualified aliens. Effective December 21, 1997, the state has elected to provide regular Medicaid coverage to optional qualified aliens who were in the United States prior to August 22, 1996.

Optional qualified aliens entering the United States on or after August 22, 1996 (those not described as mandatory qualified alien above) are not eligible for Medicaid benefits for five years after entry into the United States. Such qualified aliens are eligible for emergency services only. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the optional group of qualified aliens meets all eligibility criteria.

Adoption of this rule on an emergency basis is necessary to avoid sanctions or penalties from the federal government arising from failure to adopt appropriate regulations related to amendments to the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) contained in the Balanced Budget Act of 1997 (P.L. 105-33).

#### **Emergency Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the provisions of Section 401 of the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) as amended by the Balanced Budget Act of 1997 (P.L. 105-33) regarding Medicaid eligibility for noncitizens.

Effective for dates of service December 21, 1997 and after, the state elects to provide regular Medicaid coverage to optional qualified aliens who were in the United States prior to August 22, 1996, who meet all eligibility criteria.

Optional qualified aliens entering the United States on or after August 22, 1996 are not eligible for Medicaid for five years after entry into the United States. Such qualified aliens are eligible for emergency services only. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the optional qualified alien meets all eligibility criteria.

Interested persons may submit written comments to Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule. A copy of this emergency rule is available at parish Medicaid offices for review by interested parties.

Bobby P. Jindal  
Secretary

9712#088

## **DECLARATION OF EMERGENCY**

### **Department of Public Safety and Corrections Board of Pardons**

Clemency Filing and Processing  
(LAC 22:V.Chapter 1)

*(Editor's Note: The following emergency rule, adopted October 15, 1997, was received by the Office of the State Register on December 9, 1997.)*

Pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49: 953(B) and R.S. 15:572 et seq. , the Board of Pardons, at its meeting of October 15, 1997, adopted the following emergency rules and procedures for processing and filing for clemency (pardon or commutation of sentence to include restoration of parole and/or good time). It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

#### **Title 22**

### **CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT**

#### **Part V. Board of Pardons**

#### **Chapter 1. Applications**

##### **§101. General**

A. Any completed application will be considered for hearing by the board on the first Tuesday of each month. Should the first Tuesday fall on a legal holiday, the board will meet the following Tuesday. The board shall also meet at the discretion of the chairman to transact such other business as deemed necessary.

B. Applications must be received in the Board of Pardons office by the fifteenth of the month to be placed on the docket for consideration the following month.

C. Four members of the board shall constitute a quorum for the transaction of business, and all actions of the board shall require the favorable vote of at least four members of the board.

D. Any offender sentenced to death shall submit an application within one year from the date of the direct appeal denial.

E. Any offender sentenced to life may not apply until he has served 15 years from the date of sentence, unless he has sufficient evidence which would have caused him to have been found not guilty.

F. No application will be considered by the board until it deems the application to be complete in accordance with the following rules and procedures in Chapter 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.1 and 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

##### **§103. Filing Procedure**

###### **A. All Applicants**

1. Every application must be submitted on the form approved by the Board of Pardons and must contain the following information:

- a. name of applicant;
- b. prison number [Department of Corrections (DOC) number];
- c. date of birth;
- d. race/sex;
- e. education (highest grade completed);
- f. age at time of offense;
- g. present age;
- h. offender class;
- i. place of incarceration (incarcerated applicant only);
- j. parish of conviction/judicial district/court docket number;
- k. offense(s) charged, convicted of or plead to;
- l. parish where offense(s) committed;
- m. date of sentence;
- n. length of sentence;
- o. time served;
- p. prior parole and/or probation;
- q. when and how parole or probation completed;
- r. prior clemency hearing/recommendation/approval;
- s. reason for requesting clemency;
- t. relief requested and narrative detailing the events surrounding the offense;
- u. institutional disciplinary reports (incarcerated applicants only); total disciplinary reports, number within the last 12 months; nature and date of last violation; and custody status.

2. The application shall be signed and dated by applicant and shall contain a prison or mailing address and home address.

3. An application must be completed. If any required information does not apply, the response should be "NA".

B. In addition to the information submitted by application, the following required documents must be attached as they apply to each applicant:

1. Incarcerated Applicants. Any applicant presently confined in any institution must attach a current master prison record and time computation/jail credit worksheet and have the signature of a classification officer verifying the conduct of the applicant as set out in §103.A.1.u. and a copy of conduct report. Applicants sentenced to death must attach proof of direct appeal denial.

2. Parolees. Applicants presently under parole supervision or who have completed parole supervision must attach a copy of their master prison record or parole certificate.

3. Probationers. Applicants presently under probation supervision or who have completed probationary period must attach a certified copy of sentencing minutes or copy of automatic first offender pardon.

4. First Offender Pardons [R.S. 15:572 (B)]. Applicants who have received an Automatic First Offender Pardon must attach a copy of the Automatic First Offender Pardon.

C. No additional information or documents may be submitted until applicant has been notified that he/she will be given a hearing unless applicant has a life sentence and has served less than 15 years and has documentation proving innocence. The Board of Pardons will not be responsible for

items submitted prior to notification that a hearing will be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

### §105. Discretionary Powers of the Board

A.1. The Board of Pardons, at its discretion, may deny any applicant a hearing for any of the following reasons:

- a. serious nature of the offense;
- b. insufficient time served on sentence;
- c. insufficient time after release;
- d. proximity of parole/good time date;
- e. institutional disciplinary reports;
- f. probation/parole—unsatisfactory/violated;
- g. past criminal record; or
- h. any other factor determined by the board.

2. However, nothing in this Chapter shall prevent the board from hearing any case.

B. Any applicant denied under this Chapter shall be notified, in writing, of the reason(s) for denial and thereafter may file a new application two years from date of the letter of denial. Any applicant with a life sentence denied after August 15, 1997 may reapply six years after the initial denial; three years after the subsequent denial; and every two years thereafter.

C. Any fraudulent documents or information submitted by applicant will result in an automatic denial by the board and no new application will be accepted until four years have elapsed from the date of letter of denial. Any lifer denied because of fraudulent documents may reapply 10 years from the date of letter of initial denial; seven years if subsequent denial; and six years for denials thereafter.

D. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

### §107. Contact with the Board of Pardons

A. Contact with the Board of Pardons or any member is prohibited except by appearing/testifying at a public hearing or by written letter addressed to the Board of Pardons.

B. If a board member is improperly contacted, he/she must immediately notify the individual that the contact is illegal. The letter must be accompanied by a copy of R.S.15:573.1, and the contact must be reported to the other board members.

C. Any prohibited contact after an individual has been informed of the prohibition as provided in §107.B shall be fined not more than \$500 or imprisoned for not more than six months or both.

D. All letters in favor of pardon, clemency, or commutation of sentence are subject to public inspection. Exceptions to this Section are:

- 1. letters from any victim of a crime committed by the applicant being considered for pardon, clemency, or commutation of sentence, or any person writing on behalf of the victim;